

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re patent application of: NIVET  
Serial No.: 09/709,421  
Filed: November 13, 2000  
For: DEVICE FOR ACTUATING A SEAT ELEMENT  
AND SEAT ...

Examiner: None  
Art Unit: 2121  
Docket #: P06978US00/RFH

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231  
SIR:

Attached is:

- ..... a response after Final Rejection dated
- ☒ ..... a response to the Office Action dated February 4, 2000.
- ..... a Preliminary Amendment
- ..... a Petition for an extension of time
- ..... Other:

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Technology Center 2100

Fees: For claims if required and/or other fees as shown below:

	NOW	Previously Paid For	Present Extra	Rate	\$
TOTAL CLAIMS				X \$ 18 =	
INDEP. CLAIMS				X \$ 84 =	
TOTAL OF ABOVE CLAIMS FEES =					
Reduction by 1/2 for <b>small entity status</b> of applicant					
SUBTOTAL =					
Fee for extension of time (per attached Petition)					
Other fee for					
TOTAL OF ALL FEES =					

..... A check in the amount of \$ \* is enclosed. If no check or an insufficient check is enclosed and a fee is due in connection herewith, the Commissioner is authorized to charge any fee or additional fee due in connection herewith to Deposit Account No. 12-0555.

☒ ..... In the event that a petition for extension of time is required to be submitted herewith and that a separate petition is not submitted herewith, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized above.

Date: February 12, 2002

Respectfully submitted,

By: Ross F. Hunt, Jr.  
Registration No.: 24,082

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: NIVET

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Serial No.: 09/709,421

Examiner: Unassigned

Filed: November 13, 2000

Art Unit: 2121

For: DEVICE FOR ACTUATING A SEAT ELEMENT AND SEAT ... Docket No.: P06978US00/RFH

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**RESPONSE**

Commissioner for Patents  
Washington, D.C.  
S I R:

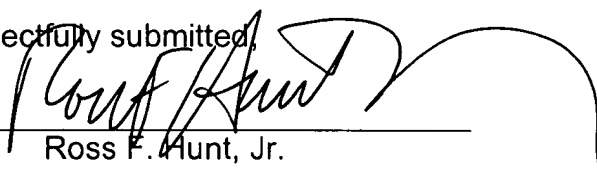
In the NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121) mailed February 4, 2002, it was indicated that the amendment filed on "2/28/01" was considered non-compliant because (#3) "a clean version of the amended claim(s) is required." However, it will be appreciated that the requirement for a clean version of amended claims was not mandatory until March 1, 2001. For the period from September 8, 2000 to February 28, 2001, the Federal Reg. 54603 and 1238 O.G. notice of Sept. 19, 2002 indicated that "amendments in compliance with former §1.121 will be accepted until March 1, 2001. After that date Amendments must comply with revised §1.121."

It is thus evident that as the Preliminary Amendment filed on Feb. 28, 2001 was only required to be in compliance with former § 1.121, and as it was in compliance with former § 1.121, there was no non-compliance with the rules.

It is therefore requested that the present NOTICE ON NON-COMPLIANT AMENDMENT be withdrawn, and that the previously filed Preliminary Amendment be entered.

Respectfully submitted,

Date: February 12, 2002

By:  Ross F. Hunt, Jr.

Reg. No.: 24,082

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